

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JUN 13 2008

JOHN F. CORCORAN, CLERK  
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UNITED STATES OF AMERICA, )      Criminal Action No. 7:98-cr-00026-2  
                                  )  
v. )      2255 FINAL ORDER  
                                  )  
DENNIS A. MCCARTHY. )      By: Samuel G. Wilson  
                                  )      United States District Judge

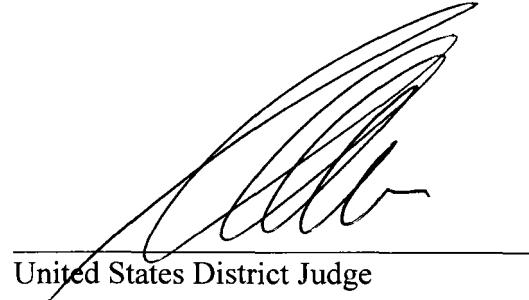
For the reasons stated in the accompanying Memorandum Opinion, it is hereby

**ORDERED and ADJUDGED**

that McCarthy's motion (Docket #86) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 13th day of June, 2008.



United States District Judge